

Application No. 09/191,520
Amendment dated July 20, 2004
Reply to Office Action of January 20, 2004

REMARKS

Claims 1-13, 15-17, 19-64, 67-71, 73-76, 78, 80-83, 85-97, 99-107, 109-119, 121, 122, 125, 127-139, and 141-198 are pending. By this amendment, claims 1, 99, 127, 142, and 151 are amended to more precisely recite the limitations in the claims. No new matter is introduced. Reconsideration and issuance of a notice of allowance is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

On pages 6-7 the Office Action rejects claims 1, 2, 15, 16, 19, 24-28, 40-41, 43, 44, 47, 127, 128, 133, 135, 142, 143, 149, 151, 152, 153, and 157 under 35 U.S.C. § 102(b) over U.S. Patent 5,517,502 to Bestler et al. (hereafter Bestler). This rejection is respectively traversed.

Claim 1

Claim 1 recites "a receiver module that receives ... a local authorization code ... a memory ... for storing the received authorization code, wherein *when* [a] program selection is received at [a] remote site, the remote site sends the local authorization code, and wherein the local authorization code is stored in the memory until needed for decrypting the selected program *at a future time*" (emphasis added). As this language from amended claim 1 makes clear, the local authorization code is provided *when* a subscriber selects a television program for viewing, and sends the program selection to the remote site. That is, there is a temporal relationship between receiving the program selection at the remote site (e.g. a cable television headend) and the remote site (the headend) sending an authorization signal to the set top terminal, such that a subscriber, by way of the set top terminal, first sends a request for a program to the remote site (headend) and then receives at the set top terminal an authorization code that allows the requested program to be decrypted. *At some future time* when the program is broadcast, the authorization code, which is stored in the memory at the set top terminal, operates to allow decryption and viewing of the broadcast program.

Bestler Is Not Prior Art to Claim 1

The present application is a continuation-in-part of U.S. Patent Application Serial No. 08/735,552, filed October 23, 1996, entitled "Network Controller for Cable Television Delivery Systems," now U.S. Patent 6,160,989, which is a continuation of U.S. Patent Application Serial No. 08/160,280, filed December 2, 1993, now U.S. Patent 5,600,364 (the '364 patent). The '364 patent incorporates by reference U.S. Patent Applicant Serial No.

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08/160,193, filed December 2, 1993, entitled "Set Top Terminal for Cable Television Delivery Systems," now U.S. Patent 5,734,853 (the '853 patent). Applicants contend, for all the reasons cited in the September 30, 2003 amendment, those reasons herein incorporated by reference, that Bestler is not prior art to amended claim 1.

On page 2 the Office Action acknowledges that "the set top terminal control information stream (STTCIS) can provide program control information (PCI) and that the information can be integrated in to the memory for displaying on-screen menus." However, the Office Action asserts that "the applicant has failed to show support a memory for decrypting the selected program." Further, the Office Action states that "[w]hereas, it is recognize[d] that the set top terminal can receive an authorization code, there is no disclosure supporting a memory receiving the authorization code."

Claim 1 has been amended to more precisely recite the features of using a memory at the set top terminal to store the received authorization code and using the local authorization code stored in the memory to decrypt a selected program at a future time. Therefore, contrary to the assertion on page 2 of the Office Action, the memory does not decrypt the selected program, nor does it receive the authorization code. The memory stores the authorization code, which operates at a future time to decrypt the selected program. Support for these features can be found at least at column 14, lines 43-47 of the '853 patent and column 27, lines 40-49, columns 18-19, and column 33, lines 6-11 of the '364 patent. Thus the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for amended claim 1. Accordingly, claim 1 has a priority date no later than the filing date of the '364 patent (December 2, 1993), which antedates Bestler's priority date of March 2, 1995. Therefore, Bestler does not anticipate amended claim 1, and claim 1 is patentable.

What is the relationship between the local program control information stream and the STTCIS stream for "local code"

Bestler Does Not Disclose or Suggest All the Elements of Claim 1

Bestler does not disclose or suggest all the elements of amended claim 1. Bestler is directed to a two-way cable television communications network that allows a remote site to receive program requests from subscribers, provide acknowledgement signals, and provide the requested programs. See Abstract. The requested programs are provided in encrypted format, and Bestler describes a key system that is used for decryption. In essence, Bestler's system provides, by way of a conditional access (CA) initialization packet, authorization

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levels for a terminal 10 receiving encrypted television programming. The authorization levels are stored in memory (RAM 260) in the terminal 10. Subsequent to receiving the authorization levels at terminal 10, a subscriber may select a television program for viewing, and transmit that selection to an "upstream" location that provides the program. In response, the upstream location provides a CA PID authorization packet (illustrated in Figure 5C of Bestler). The CA PID authorization packet includes an authorization level associated with the selected television program. "upon selecting the program ... processor 40 causes CPU 256 to determine whether the subscriber is authorized to view the program. That is, CPU 256 checks RAM 260 to determine if authorization level 'A' is found in the stored authorization bit map or stored authorization list." See column 10, lines 1 – 6. In Bestler's system, a comparison of authorization levels is required to allow program decryption.

Thus, Bestler does not disclose or suggest the temporal relationship between receiving the program selection at the remote site and the remote site sending an authorization signal to the set top terminal, such that a subscriber, by way of the set top terminal, first sends a request for a program to the remote site and then receives at the set top terminal an authorization code that allows the requested program to be decrypted. In Bestler's system, a subscriber receives the authorization levels prior to selecting a television program. More specifically, Bestler does not disclose or suggest "a receiver module that receives ... a local authorization code ... a memory coupled to the receiver module for storing the received authorization code, wherein when the program selection is received at the remote site, the remote site sends the local authorization code, and wherein the local authorization code is stored in the memory until needed for decrypting the selected program at a future time," as recited in amended claim 1.

Claims 2, 15, 16, 19, 24-28, 40-41, 43, 44, and 47 depend from patentable claim 1. For this reason and the additional features they recite, claims 2, 15, 16, 19, 24-28, 40-41, 43, 44, and 47 are also patentable over Bestler.

Independent Claims 127, 142, and 151, and Their Respective Dependent Claims 128, 133, 135, 143, 149, 152, 153, and 157

The Office Action does not provide any specific grounds for rejecting claims 127, 128, 133, 135, 142, 143, 149, 151, 152, 153, and 157. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the

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Examiner provide rationale or evidence tending to show anticipation by inherency. Consequently, Applicants respectfully request the Examiner either to provide a full and clear basis for the rejection of claims 127, 128, 133, 135, 142, 143, 149, 151, 152, 153, and 157, or allow the claims.

Moreover, with respect to claim 127, for at least the same reasons as discussed above with respect to claim 1, Bestler is not prior art to amended claim 127 because claim 127 has a priority date no later than the filing date of the '364 patent (December 2, 1993), which antedates Bestler's priority data of March 2, 1995. Therefore, Bestler does not anticipate amended claim 127, and claim 127 is patentable. In addition, for at least the same reasons as discussed above with respect to claim 1, Bestler does not disclose or suggest "subsequent to receiving the program order, sending the generated authorization signal to the terminal; subsequent to sending the generated authorization signal, broadcasting the program," as recited in amended claim 127.

Dependent claims 128, 133, and 135 are also patentable based on their dependence on patentable claim 127 and based on the additional features they recite.

With respect to claim 142, for at least the same reasons as discussed above with respect to claim 1, Bestler is not prior art to amended claim 142 because claim 142 has a priority date no later than the filing date of the '364 patent (December 2, 1993), which antedates Bestler's priority data of March 2, 1995. Therefore, Bestler does not anticipate amended claim 142, and claim 142 is patentable. In addition, for at least the same reasons as discussed above with respect to claim 1, Bestler does not disclose or suggest "subsequent to receiving the program order, sending the generated authorization code to the first terminal; subsequent to sending the generated authorization code, broadcasting the program," as recited in amended claim 142.

Dependent claims 143 and 149 are also patentable based on their dependence on patentable claim 142 and based on the additional features they recite.

With respect to claim 151, for at least the same reasons as discussed above with respect to claim 1, Bestler is not prior art to amended claim 151 because claim 151 has a priority date no later than the filing date of the '364 patent (December 2, 1993), which antedates Bestler's priority data of March 2, 1995. Therefore, Bestler does not anticipate amended claim 151, and claim 151 is patentable. In addition, for at least the same reasons as

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discussed above with respect to claim 1, Bestler does not disclose or suggest "subsequent to receiving the program order, sending the generated authorization signal to the terminal; subsequent to sending the generated authorization signal, broadcasting the programs," as recited in amended claim 151.

Dependent claims 152, 153, and 157 are also patentable based on their dependence on patentable claim 151 and based on the additional features they recite.

In view of the above, Applicants submit that Bestler does not anticipate claims 1, 2, 15, 16, 19, 24-28, 40-41, 43, 44, 47, 127, 128, 133, 135, 142, 143, 149, 151, 152, 153, and 157. Withdrawal of the rejection of these claims under 35 U.S.C. § 102(b) and allowance of these claims is respectfully requested.

Rejections Under 35 U.S.C. § 103

On page 9 the Office Action rejects claims 3, 4, 14, 17, 18, 20-23, 31-36, 45, 46, 48-53, 55-58, 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 118, 129-131, 134, 137-138, 140, 144-147, 154, 155, 169-172, 173, and 175-178 Under 35 U.S.C. § 103 over Bestler in view of the '364 patent. Applicants respectfully traverse the rejections.

Claim 140 has been cancelled in the September 30, 2003 Amendment, rendering the rejection of claim 140 moot.

Dependent Claims 3, 4, 14, 17, 18, 20-23, 31-36, 45, 46, 48-53, and 55-58

As discussed above, Bestler is not prior art. In particular, the '364 patent, together with the incorporated '853 patent, provide written description support for claims 3, 4, 14, 17, 18, 20-23, 31-36, 45, 46, 48-53, and 55-58. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, dependent claims 3, 4, 14, 17, 18, 20-23, 31-36, 45, 46, 48-53, and 55-58 are patentable based on their dependence on patentable claim 1 and based on the additional features they recite. Withdrawal of the rejection of these claims under 35 U.S.C. § 103(a) and allowance of these claims is respectfully requested.

Independent Claims 67 and 169, and Their Respective Dependent Claims 68-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 118, 129-131, 134, 137-138, 140, 144-147, 154, 155, 170-172, 173, and 175-178

The Office Action does not provide any specific ground for the rejection of claims 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 118, 129-131, 134, 137-138, 140, 144-147,

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154, 155, 169-172, 173, and 175-178. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 118, 129-131, 134, 137-138, 140, 144-147, 154, 155, 169-172, 173, and 175-178. For example, support for the billing system recited in independent claims 67 and 169 can be found at least at column 4, lines 21-29 and column 40, lines 55-62 of the '364 patent. Therefore, the priority dates of these claims are no later than the filing date of the '364 patent, which antedates the priority date of Bestler. Accordingly, Bestler is not prior art and cannot be used, individually or in combination with other reference(s), in rejecting the above claims.

Furthermore, as noted above, independent claim 127, 142, and 151 are patentable. Dependent claims 129-131, 134, 137-138, 140, 144-147, 154, and 155 are patentable based on their dependence on their respective, patentable independent claims, and based on the additional features they recite. Withdrawal of the rejection of these claims under 35 U.S.C. § 103(a) and allowance of these claims is respectfully requested.

With respect to independent claim 99, on page 3 the Office Action acknowledges that the effective filing date for claim 99 is December 02, 1993. Therefore, Bestler is not prior art and cannot be used, individually or in combination with other reference(s), in rejecting claim 99.

Dependent claim 118 is patentable based on its dependence on patentable claim 99 and based on the additional features it recites.

With respect to independent claim 67, Bestler does not disclose or suggest "a billing system coupled to the order and authorization system, the billing system receiving the program order and generating a billing record;" as recited in claim 67.

Dependent claims 68-71, 73-76, 78, 80-81, 85, 88-89, 90, and 90-97 are also patentable based on their dependence on patentable claim 67 and based on the additional features they recite.

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With respect to independent claim 169, for at least the same reasons as discussed above with respect to claim 67, Bestler does not disclose or suggest "a billing system coupled to the processor, the billing system receiving the program order and generating a billing record," as recited in amended claim 169.

Dependent claims 170-172, 173, and 175-178 are also patentable based on their dependence on patentable claim 169 and based on the additional features they recite.

Based on all the above reasons, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness and that Bestler is not prior art and cannot be used, individually or in combination with other reference(s), in rejecting claims 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 118, 129-131, 134, 137-138, 140, 144-147, 154, 155, 169-172, 173, and 175-178.

For the reasons noted above, Applicants respectfully request withdrawal of the rejection of claims 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 118, 129-131, 134, 137-138, 140, 144-147, 154, 155, 169-172, 173, and 175-178 under 35 U.S.C. § 103 and allowance of all of these claims.

Rejection Under 35 U.S.C. § 103 Based On Bestler and Nemirofsky

On page 14 the Office Action rejects claim 5 as being obvious over Bestler in view of U.S. Patent 5,880,769 to Nemirofsky et al. (hereafter Nemirofsky). Applicants respectfully traverse the rejection.

Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claim 5. Therefore, this claim has a priority date that antedates Bestler. As a result, Bestler does not render this claim obvious.

In addition, claim 5 depends from patentable claims 1 and 2, and for this reason, claim 5 is also patentable. Withdrawal of the rejection of claim 5 under 35 U.S.C. § 103 and allowance of the claim are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler, Nemirofsky, and Young

On page 14 the Office Action rejects claims 6-13, 106, and 141 as being obvious over Bestler and Nemirofsky in view of U.S. Patent 5,809,204 to Young et al. (hereafter Young). Applicants respectfully traverse the rejection.

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The Office Action does not provide any specific ground for the rejection of claims 106 and 141. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 106 and 141 as well as claims 6-13. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, claim 6-13 depend from patentable claim 1, claim 106 depends from patentable claim 99, and claim 141 depends from patentable claim 127, and for these reasons, and the additional features they recite, claims 6-13, 106 and 147 are also patentable. Withdrawal of the rejections of claims 6-13, 106, and 141 under 35 U.S.C. § 103 and allowance of these claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler

On page 16 the Office Action rejects claims 29, 30, 42, 62-66, 79, 82, 83, 91, and 136 as being obvious over Bestler. Applicants respectfully traverse the rejection.

Claims 65, 66, and 79 have been cancelled in the September 30, 2003 Amendment, rendering the rejection of these claims moot.

The Office Action does not provide any specific ground for the rejection of claims 91 and 136. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 91 and 136 as well as claims 29, 30, 42, 62-64, 82, and 83. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

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In addition, claims 29, 30, 42, 62-64 depend from patentable claim 1, claims 82, 83, and 91 depend from patentable claim 67, and claim 136 depends from patentable claim 127. For these reasons and the additional features they recite, claims 29, 30, 42, 62-64, 82, 83, 91, and 136 are also patentable. Withdrawal of the rejections of claims 29, 30, 42, 62-64, 82, 83, 91, and 136 under 35 U.S.C. § 103 and allowance of the claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler and Ronen

On page 18 the Office Action rejects claims 37-39, 106, and 141 as being obvious over Bestler in view of U.S. Patent 5,745,556 to Ronen (hereafter Ronen). Applicants respectfully traverse the rejection.

The Office Action does not provide any specific ground for the rejection of claims 106 and 141. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 106 and 141 as well as claims 37-39. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, claim 37-39 depend from patentable claim 1, claim 106 depends from patentable claim 99, and claim 141 depends from patentable claim 127, and for these reasons, claims 37-39, 106, and 141 are also patentable. Withdrawal of the rejections of claims 37-39, 106, and 141 under 35 U.S.C. § 103 and allowance of the claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler and Klosterman

On page 18 the Office Action rejects claims 54 and 174 as being obvious over Bestler *et al.* in view of U.S. Patent 5,940,073 to Klosterman *et al.* (hereafter Klosterman). Applicants respectfully traverse the rejection.

The Office Action does not provide any specific ground for the rejection of claim 174. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending

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to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of this claim.

Norwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claim 174 as well as claim 54. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, claim 54 depends from patentable claim 1, and claim 174 depends from patentable claim 169, and for these reasons and the additional features they recite, claims 54 and 174 are also patentable. Withdrawal of the rejection of claims 54 and 174 under 35 U.S.C. § 103 and allowance of the claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler, Klosterman, and Prodigy

On page 19 the Office Action rejects claims 59, 102, 103, 112, 132, 139, 148, 156, 165, 166, 167, 183-185, and 193-195 as being obvious over Bestler in view of Klosterman and the article "Prodigy offers total television online guide" (hereafter Prodigy). Applicants respectfully traverse the rejection.

The Office Action does not provide any specific ground for the rejection of claims 102, 103, 112, 132, 139, 148, 156, 167, 185; and 195. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 102, 103, 112, 132, 139, 148, 156, 167, 185, and 195 as well as claims 59, 165, 166, 183-184, and 193-194. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, claim 59 depends from patentable claim 1, claims 102, 103, and 112 depend from patentable claim 99, claims 132 and 139 depend from patentable claim 127, claim 148 depends from patentable claim 142, claims 156 and 165-167 depend from patentable claim 151, and claims 183-185 and 193-195 depend from patentable claim 169, and for these reasons and the additional features they recite, claims 59, 102, 103, 112, 132,

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139, 148, 156, 165, 166, 167, 183-185, and 193-195 are also patentable. Withdrawal of the rejections of claims 56, 102, 103, 112, 132, 139, 148, 156, 165, 166, 167, 183-185, and 193-195 under 35 U.S.C. § 103 and allowance of these claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler and Banker

On page 20 the Office Action rejects claims 60-61, 86, 87, 115, and 116 as being obvious over Bestler in view of U.S. Patent 5,317,391 to Banker et al. (hereafter Banker). Applicants respectfully traverse the rejection.

The Office Action does not provide any specific ground for the rejection of claims 86, 87, 115, and 116. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 86, 87, 115, and 116 as well as claims 60-61. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, claims 60-61, 86, and 87 depend from patentable claim 67, and claims 115 and 116 depend from patentable claim 99, and for these reasons and the additional features they recite, claims 60-61, 86, 87, 115, and 116 are also patentable. Withdrawal of the rejections of claims 60-61, 86, 87, 115, and 116 under 35 U.S.C. § 103 and allowance of these claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Bestler, Welsh, and Graves

On page 21 the Office Action rejects claims 150, 158-164, 168, 179-182, 186-192, and 196-198 as being obvious over Bestler in view of U.S. Patent 5,374,951 to Welsh (hereafter Welsh) and U.S. Patent 5,410,344 to Graves et al. (hereafter Graves). Applicants respectfully traverse the rejection.

The Office Action does not provide any specific ground for the rejection of claims 150, 186, 187, 196, and 197. MPEP §707.07(d) requires that the ground of rejection be fully and clearly stated. In addition, MPEP §2112 requires that the Examiner must provide rationale or evidence tending to show anticipation by inherency. Accordingly, Applicants

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respectfully request the Examiner to provide a full and clear basis for the rejection of these claims.

Notwithstanding the lack of clear ground for rejection, Applicants respectfully submit that the '364 patent, together with the incorporated '853 patent, provide sufficient written description support for claims 150, 186, 187, 196, and 197 as well as claims 158-164, 168, 179-182, 188-192, and 198. Therefore, these claims have priority dates that antedate Bestler. As a result, Bestler does not render these claims obvious.

In addition, claim 150 depends from patentable claim 142, claims 158-164 and 168 depend from patentable claim 151, and claims 179-182, 186-192, and 196-198 depend from patentable claim 169, and for these reasons and the additional features they recite, claims 150, 158 - 164, 168, 179-182, 186-192, and 196-198 are also patentable. Withdrawal of the rejections of claims 150, 158 - 164, 168, 179-182, 186-192, and 196-198 under 35 U.S.C. § 103 and allowance of all of these claims are respectfully requested.

Rejection Under 35 U.S.C. § 103 Based On Banker '276

On page 22 the Office Action rejects claims 99-101, 104-105, 107, 109-111, 113-114, 117, 119, 121-122, and 125 as being obvious over U.S. Patent 5,317,391 to Banker et al. (hereafter Banker '276). Applicants respectfully traverse the rejection.

Banker '276 is directed to a method of providing video on demand with VCR like functions. The method provides a near video on demand time shifting feature for a subscriber terminal. The features emulates the video cassette recorder functions of pause, fast forward, and rewind for a NVOD service subscription. However, Banker '276 does not disclose or suggest "subsequent to receiving the program order, sending a program authorization, wherein the program authorization provides a local authorization code that allows the broadcast television digital programming to be decrypted for viewing; and subsequent to sending the program authorization, broadcasting the digital programming," as recited in amended claim 99. Therefore, claim 99 is patentable.

Dependent claims 100-101, 104-105, 107, 109-111, 113-114, 117, 119, 121-122, and 125 are also patentable based on their dependence on patentable claim 99 and based on the additional features they recite.

CONCLUSION

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For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Although Applicants believe that the amount of the enclosed fee is correct, the Commissioner is hereby authorized to charge any payment deficiency to deposit account number 38598.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: July 20, 2004

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